

tion required to be shown in pleadings by 3 AAC 48.010 — 3 AAC 48.170 or in regard to any other relevant matter; or

(4) the commission may, for reasons stated in its order, terminate a proceeding at the request of an interested party or on its own motion.

(e) Repealed 6/29/84.

(f) If a pleading is filed with the commission setting out a violation or omission by any party, the respondent has the right to satisfy or answer the complaint according to the following:

(1) Any party against whom such a pleading is directed who wishes to defend or contest it, or to make any representation to the commission in connection with it, shall file with the commission and serve on the petitioner and all parties, a written answer to the pleading within 20 days after service of the pleading upon that party, unless for good cause, the commission extends or shortens the time within which answers may be made. Answers must be so drawn as to inform the commission and all parties of record fully and completely as to the nature of the answer, and must specifically admit or deny in detail all material allegations of the pleading against which the answer is directed. Matters alleged by way of cross-complaint or affirmative defense must be separately stated and numbered. The commission will, in its discretion, order a respondent to file an answer if it considers that action necessary. If a party fails to answer within the time specified in this paragraph, the party is considered to have denied generally the allegation of the complaint or petition and is precluded, except with the consent of opposing parties and the commission, from setting up an affirmative defense in the proceeding; the commission will proceed with the matter solely upon the issues set out in the complaint or petition. Answers are not required in a rate proceeding initiated as a result of a tariff filing.

(2) A party may amend its pleading once, as a matter of course, at any time before a responsive pleading is served. If the pleading is one to which no responsive pleading is permitted and the action has not been placed upon the hearing calendar, the party may so amend it at any time within 20 days after it is served. Otherwise a party may amend its pleading only by permission of the commission. A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within 10 days after service of the amended pleading, whichever period may be the longer, unless the commission otherwise orders.

(g) A party desiring to reply to an answer shall serve the required number of copies of it on the commission within 20 days after service of the answer.

(h) If the commission so orders in any proceeding, a copy of any application, petition, complaint, motion, or other paper designated by

the commission shall be served by the party that submitted the filing on all persons whom the commission determines may be affected by the proceeding. After a proceeding has been instituted, each answer, motion or other paper subsequently filed by any party must be served on all attorneys and parties of record concurrently with the filing thereof with the commission together with proof of service.

(i) Whenever, by rule or order, an act is required or allowed to be performed on or before a specified date, the commission, for cause shown, may

(1) on its own initiative or pursuant to motion and with or without notice, order the period extended if the order is issued prior to the date originally specified; or

(2) pursuant to motion, with notice given after the expiration of the specified period, permit the act to be performed provided the failure to act was the result of excusable neglect or oversight, but a permission thus granted shall not relieve a party from complying with additional requirements the commission may specify for obtaining relief from a particular failure.

(j) A formal proceeding shall not be terminated without issuing at least one order containing the commission's findings, conclusions and decision. If final order of the commission is reconsidered or subject to judicial review, the proceeding shall be reopened under the same docket number until the issues being reconsidered or reviewed have been resolved and no further action by the commission is required. (Eff. 1/13/73, Register 44; am 6/29/84, Register 90)

Authority: AS 42.05.141
AS 42.05.151
AS 42.06.140(a)

3 AAC 48.100. GENERAL REQUIREMENTS OF PLEADINGS. (a) Pleadings before the commission shall be classified and designated as an application, complaint, cross-complaint, petition, protest, answer, reply or motion.

(b) In the order listed below, each pleading shall include

(1) the heading and caption (including the names of the parties and the docket number, if known);

(2) the allegations or statements of fact and law set forth *in numbered paragraphs*;

(3) the prayer or request of the party filing the pleading;

(4) the signature and execution of the pleading;

(5) the verification in compliance with applicable state law, including AS 09.65.012, when necessary; and

(6) the proof of service.

(c) Each pleading shall contain the heading "BEFORE THE ALASKA PUBLIC UTILITIES COMMISSION." The exact caption

and docket number assigned by the commission, if known, shall be inserted immediately below the heading in every pleading filed subsequent to the date that the proceeding is docketed. This caption, when known, shall be followed by a brief description of the desired order, authorization, permission or certificate, followed by a word designating the title of the document (e.g., the heading of a complaint shall designate the title of the document as a "COMPLAINT" and the heading of an answer shall set forth the title as "ANSWER"). The name of the party filing the pleading must be stated in the caption if the docket number is not known. Space must be left to the right of the caption for the insertion of the docket number by the commission in the event the pleading does not contain the docket number. The name of the complainant shall be followed by the word "COMPLAINANT"; the name of the respondent named in a complaint shall be followed by the word "RESPONDENT"; the name of an applicant shall be followed by the word "APPLICANT"; etc.

(d) The numbered paragraphs of each pleading shall contain

(1) correct citations to the law, rules, regulations or orders that govern the subject of the pleading;

(2) a complete and detailed statement of all facts and circumstances pertinent to the pleading, together with a correct reference to each appendix (designated as appendix "A," appendix "B," etc.) that is submitted in support of the pleading; and

(3) a statement as to the form of organization of the pleading party (e.g., private corporation, municipal corporation; incorporated borough, partnership, incorporated association, unincorporated association, joint-venture, individual, individual proprietorship, etc.) and, when applicable, the date of organization and the term or duration of the organization (e.g., 50 years, perpetual, etc.).

(e) The numbered paragraphs of a pleading shall be followed by the prayer which shall be a concise and complete statement of all relief sought by the pleader. The prayer should be brief, but should be complete to the end that an order granting the prayer would include all of the relief desired and requested by the pleader.

(f) The original of each pleading filed with the commission must be personally signed in ink by any one of the following:

(1) the party making the pleading or by each of the parties, if there is more than one party;

(2) an authorized official of the party;

(3) a co-partner of a partnership;

(4) an authorized officer or full-time employee of a corporation;

(5) an authorized bona fide officer or full-time employee of an unincorporated association; or

(6) the party's attorney or authorized representative.

(g) Each pleading must be verified by the subscriber to the pleading, or by the subscriber's attorney or authorized representative if the

attorney or representative has actual knowledge of the truth of the statements contained in it, or reasonable grounds to believe they are true. Pleadings by corporations or associations may be verified by an officer or director. Upon request, the commission will, in its discretion, by order, waive written verification for good cause shown. When a legal firm acts as attorneys of record, the verification signature must be that of a partner or associate under the name of the firm. If a party is appearing in his or her own behalf, the signature must be that of the party, and must be placed below the correct legal name of the party. Beneath the signature of every attorney of record, party, or other person appearing on a pleading, there must be typed, stamped, or printed the person's name and, for initial proceedings, the person's address. The first pleading of a party, and only the first, must

(1) set forth the address of the party and, if the party is a corporation, association or other organized group, the state in which, and the law under which, it is organized; and

(2) state the name, title and address of the person to whom correspondence and communications in the proceeding is to be addressed.

(h) Notices, orders and pleadings may be served on the person named pursuant to (g)(2) of this section at the address stated and such service shall be deemed to be served on the party.

(i) All balance sheets, income statements, journal entries, and other accounting exhibits, reports or statements shall conform to the applicable uniform system of accounts prescribed by the commission.

(j) Each pleading must be either legibly typewritten in type not less than 11 point, or printed, and cut or folded to eight and one-half inches by 14 inches in size with the left-hand margin not less than one and one-half inches and the top margin not less than two inches. If the pleading is more than one page in length, it must be either bound, or fastened on the upper left-hand corner. Printed pleadings may be single-spaced on both sides, but the text of pleadings that are typewritten must be double-spaced except for quotations, which must be single-spaced and may be indented. Any process of reproduction may be used, provided that every copy is clear and permanently legible. The first time a person's name is mentioned in the body of a pleading, it should be stated accurately and completely. For example, if a corporation's legal name is "The ABC Corporation," it should not be designated as "ABC Corp." But, if the pleading party wishes, for any reason, to abbreviate a name used repeatedly in a pleading, the abbreviation should be set out in parentheses immediately following the first time the name is spelled out in full.

(k) A copy of each pleading and each order of the commission in a proceeding shall be served by the filing party (and by the commission in respect to notices, orders, etc.) on every other party to the proceeding together with proof of service. (Eff. 1/13/73, Register 44; am 6/29/84, Register 90)

Authority: AS 42.05.141
AS 42.05.151

AS 42.05.451
AS 42.06.140(a)

3 AAC 48.105. PETITIONS FOR RECONSIDERATION.

Within 15 days after an order of the commission is served, a party may file a petition for reconsideration of that order setting out specifically the grounds upon which the petitioner believes the order is unreasonable, erroneous, unlawful, or otherwise defective. The petitioner may also submit a proposed order designed to cure the alleged defects of the commission's order. A party opposing a petition for reconsideration has 10 days after the date on which the petition is filed with the commission to respond. The commission's power to order reconsideration expires 30 days after the date on which the petition for reconsideration is filed with the commission. If the commission takes no action on a petition for reconsideration within the time allowed for ordering reconsideration, the petition is automatically denied. The commission may order reconsideration in writing of all or part of the record in a proceeding together with any additional evidence and argument which may be permitted either in writing or orally. The mere filing of a petition for reconsideration does not excuse the petitioning party from compliance with a decision or order of the commission. (Eff. 1/13/73, Register 44; am 6/29/84, Register 90)

Authority: AS 42.05.141
AS 42.05.151
AS 42.06.140(a)

3 AAC 48.110. INTERVENTION. (a) Petitions for permission to intervene as a party will be considered only in those cases that are to be decided upon an evidentiary record after notice and hearing. Any person who has a statutory right to be made a party to that proceeding will be permitted to intervene. Any person whose intervention will be conducive to the ends of justice and will not unduly delay the conduct of the proceeding will, in the commission's discretion, be permitted to intervene. The commission does not grant formal intervention, as such, in nonhearing matters, and any interested person may file documents authorized under 3 AAC 48.010 — 3 AAC 48.170 without first obtaining permission.

(b) In passing upon a petition to intervene, the following factors, among others, will be considered:

- (1) the nature of the petitioner's right under statute to be made a party to the proceeding;
- (2) the nature and extent of the property, financial, or other interest of the petitioner;
- (3) the effect on petitioner's interest of the order which may be entered in the proceeding;

(4) the availability of other means by which the petitioner's interest may be protected;

(5) the extent to which petitioner's interest will be represented by existing parties;

(6) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, including the issues that petitioner intends to address in the proceeding; and

(7) the extent to which participation of the petitioner will broaden the issue or delay the proceeding.

(c) A person wishing to intervene in a proceeding shall file a petition in conformity with 3 AAC 48.090 — 3 AAC 48.100 setting out the facts and reasons why that person should be granted permission to intervene. The petition should make specific reference to the factors set out in (b) of this section.

(d) Unless otherwise ordered by the commission, a petition for permission to intervene must be filed with the commission before the first prehearing conference or, if no conference is to be held, not later than 30 days before the hearing. A petition for permission to intervene which is not timely filed will be dismissed unless the petitioner clearly shows good cause for failure to file that petition on time.

(e) A party to a proceeding may file an answer to a petition to intervene, making specific reference to the factors set out in (b) of this section, within seven days after the petition is filed.

(f) The decision granting, denying, or otherwise ruling on any petition to intervene will, in the commission's discretion, be issued without receiving testimony or oral argument either from the petitioner or other parties to the proceeding.

(g) A person permitted to intervene in a proceeding thereby becomes a party to the proceeding. However, interventions provided for in this section are for administrative purposes only, and no decision granting leave to intervene may be deemed to constitute an expression by the commission that the intervening party has such a substantial interest in the order that is to be entered in the proceeding as will entitle it to judicial review of such order. (Eff. 1/13/73, Register 44; am 6/29/84, Register 90)

Authority: AS 42.05.141
AS 42.05.151
AS 42.06.140(a)

3 AAC 48.115. COMPENSATION FOR CONSUMER PARTICIPATION. (a) Unless an alternative means of compensation is provided as described in (g) of this section, an electric consumer who participates in a commission proceeding either as an intervenor or as a public witness, and who substantially contributes to the acceptance, in whole or in part, of a position related to any of the standards con-

tained in Title I, Subtitle B of the Public Utility Regulatory Policies Act of 1978 (P.L. 95-617), as applied to the consumer's utility, will, in the commission's discretion, be compensated for reasonable costs of preparing and advocating that position.

(b) At least 10 days before the beginning of a hearing in which the commission considers any of the standards contained in Title I, Subtitle B, an electric consumer who desires compensation shall file a written statement which includes

- (1) notice of intent to request compensation for participation;
- (2) the name of the electric utility which serves the consumer;
- and
- (3) a description of the consumer's interest and expected participation in the proceeding.

(c) If any of these electric consumers share the same or similar interests, the commission may appoint a common representative as a condition to the consumers receiving compensation.

(d)(1) The commission will name in its final order in the proceeding any electric consumer who substantially contributed to the approval by the commission, in whole or in part, of the consumer's position.

(2) Within 15 days after this order is issued, an electric consumer whom the commission qualifies for compensation shall file with the commission and serve on the affected utility a memorandum of costs. If participation in the proceeding has caused the consumer significant financial hardship, the consumer may describe the circumstances of hardship in the memorandum.

(3) Within 15 days after filing the memorandum of costs, the affected utility may file with the commission and serve on the consumer a response.

(4) Based on the results of the consumer's participation, the utility's response, and, where relevant, the consumer's financial circumstances, the commission will award by written order, the fees and costs it finds reasonable.

(5) If an electric consumer whom the commission qualifies for compensation participates in an appeal of this order, that consumer may file with the commission and serve on the affected utility a memorandum of appeal costs within 15 days of the issuance of the court order which finally adjudicates the appeal. The procedures established in paragraphs (3) and (4) of this subsection and (f) of this section apply for compensation for appeal costs.

(e) The commission will, in its discretion, compensate an electric consumer for the following fees and costs:

- (1) reasonable attorney fees;
- (2) reasonable expert witness fees; and
- (3) reasonable costs incurred in the preparation and advocacy of the consumer's position, including costs of obtaining judicial review.

(f) The affected electric utility shall pay the consumer the amount awarded within 45 days after the issuance of the commission's order awarding costs.

(g) Subsections (a) — (f) of this section do not apply if the state or the commission has provided an alternative means of compensating persons who cannot afford to pay reasonable costs of preparing and advocating a position and who have, or represent, an interest

(1) not otherwise adequately represented in the proceeding; and

(2) necessary for a fair determination in the proceeding.

(h) This section applies to an electric consumer of a regulated electric utility subject to Title 1 of the Public Utility Regulatory Policies Act of 1978 (a public utility whose sales of electric energy, for purposes other than resale, during any calendar year after 1975 and before the immediately preceding calendar year, exceeded 500 million kilowatt-hours).

(i) In this section

(1) "electric consumer" means any person to whom electric energy is sold, other than for purposes of resale, by a public utility;

(2) "memorandum of costs" or "memorandum of appeal costs" means an itemized list of work and services performed with associated costs, expenses, and fees, documented by invoices and by time sheets marked in no less detail than 15-minute intervals;

(3) "public witness" means a person who presents an oral or written statement, comment, argument, or draft revision to a proposed regulation, in a proceeding conducted by the commission;

(4) "reasonable fee or cost" means a range, the upper end of which is the fee or cost based on the prevailing market rates in Alaska for the kind and quality of service provided, and the lower end of which is the fee or cost based on the prevailing market rates in the contiguous United States for the kind and quality of service provided; and

(5) "same or similar interests" means identical or like concerns, circumstances, or legal rights, similarly affected by the commission's consideration of a specific regulation or standard. (Eff. 8/10/80, Register 75)

Authority: AS 42.05.151(a)
16 U.S.C.A. 2632

3 AAC 48.120. INFORMAL COMPLAINTS. (a) Informal complaints against a public utility or pipeline carrier must be made first to the utility or carrier. If the complainant is not satisfied with the disposition of the complaint, the complainant or the complainant's authorized representative, may then file a complaint with the commission. A utility or pipeline carrier shall assist a customer or shipper by giving notice on how to follow through on a complaint. An informal complaint to the commission need not be in any particular form and

may be either written or oral. The commission will, in its discretion, request written confirmation of an oral complaint. A complaint must include, in as much detail as possible

(1) every pertinent fact relative to the origin, nature, and basis of the complaint;

(2) everything the complainant has done, or tried to do, either orally or in writing, to resolve the complaint;

(3) the response of the utility or pipeline carrier to the arguments and efforts of the complainant; and

(4) a copy of any written actions to resolve the complaint or other available supporting documents.

(b) It is advisable, but not mandatory, for an aggrieved party to submit a written complaint to the utility or pipeline carrier, and to retain a copy of all correspondence to document the facts, rather than to rely solely upon oral communications. If a complainant chooses to document the complaint, the complainant may furnish the commission with a copy for whatever value it may be if the complainant later files an informal complaint with the commission.

(c) The commission will try to resolve an informal complaint only if it appears that the complainant has, in fact, taken the complaint to the utility or pipeline carrier and

(1) the utility or pipeline carrier has not disposed of the complaint within a reasonable time to the satisfaction of the complainant;

(2) the complainant, or one authorized to speak on the complainant's behalf, specifically requests the commission to take appropriate informal action to resolve the complaint; or

(3) there is a substantial indication that the utility or pipeline carrier has violated a law, rule, or regulation administered by the commission, or that the utility or pipeline carrier has not complied with applicable provisions of its effective tariff.

(d) An informal complaint not acted upon by the commissioner will, nevertheless, be assigned a number, be filed, and be closed with a written statement furnished to the complainant summarizing the facts of the complaint and the reason it is closed. (Eff. 1/13/73, Register 44; am 6/29/84, Register 90)

Authority: AS 42.05.141
AS 42.05.151
AS 42.06.140(a)

3 AAC 48.130. FORMAL COMPLAINTS, PROTESTS AND INVESTIGATIONS. (a) A formal complaint or protest shall be in writing and should

(1) be so drawn as to fully inform the respondent or respondents and the commission as to how applicable provisions of the utility's

or pipeline carrier's effective tariff or of the governing law, rules, regulations, or order of the commission have been, are being, or will be violated by the acts or omissions in question;

(2) set forth concisely, and in plain language, the facts and circumstances on which the complaint or protest is predicated;

(3) state the relief sought by the complainant;

(4) comply with 3 AAC 48.090 — 3 AAC 48.100.

(b) The commission may allow a formal complaint or protest to be supplemented because of facts arising subsequent to the original filing.

(c) Unless the commission orders otherwise, the answer to a complaint or protest shall be filed 20 days from the filing date of the complaint. Formal complaints or protests will be set for hearing at the earliest convenience of the commission, unless notice of satisfaction of the complaint, by answer or otherwise, is received by the commission within 20 days after the complaint or protest is filed. If satisfaction of the complaint has been made, the commission will notify the complainant or protestant thereof and take appropriate action thereon.

(d) Two or more grounds of complaint or protest concerning the same subject matter may be included in one pleading, but should be stated and numbered separately. Two or more complainants or protestants may join in one pleading if their respective causes of action are against the same person, and deal with substantially the same alleged tariff infraction or violation of a law, rule, regulation or order of the commission.

(e) If a complaint or protest is made concerning a utility or pipeline carrier operated by a receiver or trustee, both the utility and its receiver or trustee must be named as respondents in cases involving the utility or pipeline carrier.

(f) A formal investigation will not be instituted on complaint except for good cause shown to the commission's satisfaction by the complainant.

(g) If a formal investigation or "show cause" proceeding is instituted by the commission on its own motion, the order instituting the investigation or proceeding shall clearly state the facts, circumstances, and allegations on which it is predicated. (Eff. 1/13/73, Register 44; am 6/29/84, Register 90)

Authority: AS 42.05.141
AS 42.05.151

AS 42.05.271
AS 42.06.140(a)

3 AAC 48.140. CONFERENCES. (a) Informal conferences of the parties involved in an informal complaint or formal proceeding or of their authorized representatives may be held at any time to provide opportunity for the settlement, adjustment, clarification or resolution of any issues or problems relating to any matter whatever. Informal

conferences may be initiated by the parties or by the commission or members of its staff. Any decision, or agreement, resulting from an informal conference may, if necessary, be presented to the commission by an authorized spokesman for the conferees and the commission may take whatever action thereon it deems appropriate.

(b) Upon call by a presiding officer, on motion by any party, or on the commission's own initiative, a pre-hearing conference of the parties or their attorneys or authorized representatives may be held at any time to expedite the orderly conduct and disposition of a hearing. Any member of the commission may attend a pre-hearing conference, and shall conduct the conference if elected to do so by the commission. Alternatively, the commission will appoint as "Chairman of the Pre-Hearing Conference" a presiding officer; examiner; hearing officer; administrative law judge; an employee of the commission; or legal counsel representing the commission, its staff, or the public interest and direct that person to conduct and preside over the pre-hearing conference and report the results to the commission. If a pre-hearing conference is called while a hearing is in session with all parties either present or represented, oral notice as to the time and place of the conference is sufficient. Otherwise, notice as to the time and place of the conference must be given to each party, in writing, with due regard and consideration to the convenience of the parties.

(c) By direction of the chairman of the pre-hearing conference or by prior agreement of the conferees, a pre-hearing conference may be conducted on or off the record. In addition to any pertinent matter considered previously at an informal conference, each conferee will be encouraged to present any factual contentions and theories in support of the conferee's pleading or position in the proceeding and, in addition, to consider and, if possible, agree upon other matters including

- (1) the simplification, delineation, and limitation of matters involving issues of fact and questions of law;

- (2) the identification and numbering of exhibits;

- (3) the exchange and acceptance of service of exhibits, including exhibits containing written testimony proposed to be offered in evidence;

- (4) the obtaining of admission as to, or stipulation of, facts not remaining in dispute;

- (5) the necessity or desirability of amendments to pleadings for purposes of clarification, amplification, or limitation;

- (6) limitation of the number of witnesses;

- (7) the feasibility of consolidating the examination of witnesses;

- (8) the procedure of the hearing; and

- (9) any other matter that may expedite the orderly conduct and disposition of the proceeding.

(d) Upon conclusion of a pre-hearing conference, the parties, their attorneys, or their authorized representatives shall reduce the results

of the conference to the form of a written stipulation reciting the matters agreed upon. An original and six copies of that stipulation must be filed with the commission within 10 days after the date of the conference or at the beginning of the hearing that follows, whichever occurs first. Every stipulation must be

(1) signed by the parties or by their attorneys or authorized representatives;

(2) received in evidence as part of the evidentiary record; and

(3) binding on the parties with respect to the matters stipulated.

(e) If a pre-hearing conference is conducted on the record, and a transcript of it is ordered, it may, upon agreement of the conferees, be introduced in evidence at the hearing and be received as part of the evidentiary record. If the record of a pre-hearing conference is not introduced and received in evidence, all facts disclosed during the pre-hearing conference, except as set forth in a stipulation pursuant to (d) of this section, are privileged and, except by prior agreement, shall not be used against participating parties either before the commission or elsewhere unless fully substantiated by evidence. (Eff. 1/13/73, Register 44; am 6/29/84, Register 90)

Authority: AS 42.05.141
AS 42.05.151
AS 42.06.140(a)

3 AAC 48.150. HEARINGS. (a) The commission shall give parties reasonable notice of a hearing or of the change in the date and place of a hearing and the nature of such hearing.

(b) Repealed 6/29/84.

(c) The person designated to conduct a hearing shall have authority, subject to possible contrary rulings by the commission

(1) to regulate the course and conduct of a hearing;

(2) to administer oaths and perform other functions set forth in AS 42.05.151(c);

(3) to rule upon offers of proof and receive evidence;

(4) to call and preside at pre-hearing conferences before a hearing, and informal conferences during a hearing;

(5) to dispose of procedural motions, requests and other similar matters, except a motion to dismiss a proceeding or any other motion that would be dispositive of a proceeding;

(6) to fix the time and order for filing and service of briefs; and

(7) to take any other action necessary and appropriate to the discharge of the presiding officer's duties, consistent with the statutory and other authority under which the commission functions.

(d) Repealed 6/29/84.

(e) Repealed 6/29/84.

(f) Repealed 6/29/84.

- (g) Repealed 6/29/84.
 - (h) Repealed 6/29/84.
 - (i) Repealed 6/29/84.
 - (j) Repealed 6/29/84.
 - (k) Repealed 6/29/84.
 - (l) Repealed 6/29/84.
 - (m) Repealed 6/29/84.
 - (n) Repealed 6/29/84.
 - (o) Repealed 6/29/84.
- (Eff. 1/13/73, Register 44; am 6/29/84, Register 90)

Authority: AS 42.05.141
AS 42.05.151
AS 42.06.140(a)

3 AAC 48.151. ORDER OF HEARING. As the first order of business at a hearing, the presiding officer shall call the docket by reading the docket number and caption and shall state on the record when and how notice was given as to the time, place, and nature of the hearing. The presiding officer may also make a concise statement of the scope and purpose of the hearing and the issues involved. After that, all parties, either on their own behalf or through their attorneys or other authorized representatives, shall enter their appearances by giving their names and addresses to the reporter, together with the party on whose behalf they are appearing. The procedure in a hearing may be determined by stipulation in a pre-hearing conference, or by the presiding officer, subject, in either case, to approval, rejection, or modification by the commission. Otherwise, the matters considered at a hearing, after all appearances have been entered, will ordinarily be disposed of in substantially the following order:

- (1) pending motions;
- (2) stipulations of the parties;
- (3) opening statements;
- (4) presentation of cases as follows, unless otherwise ordered by the commission:
 - (A) in regard to an investigation on motion of the commission, the commission will hear
 - (i) the commission staff's direct case;
 - (ii) each intervenor's direct case in the order in which the petitions for intervention were filed with the commission;
 - (iii) the respondent's direct case; and
 - (iv) rebuttal by the commission staff;
 - (B) in regard to proceedings in which the operation of a tariff filing has been suspended, the commission will hear
 - (i) the applicant's direct case;
 - (ii) the commission staff's direct case;

(iii) each intervenor's direct case in the order in which the petitions for intervention were filed with the commission; and

(iv) rebuttal by the applicant;

(C) in regard to an application or petition, the commission will hear

(i) each applicant's or petitioner's direct case in the order in which the applications or petitions were filed with the commission;

(ii) the commission staff's direct case;

(iii) each intervenor's direct case in the order in which the petitions for intervention were filed with the commission; and

(iv) rebuttal by each applicant or petitioner in the order in which the applications or petitions were filed with the commission;

(D) in regard to complaints, the commission will hear

(i) the complainant's direct case;

(ii) the commission staff's direct case;

(iii) each intervenor's direct case in the order in which the petitions for intervention were filed with the commission;

(iv) the respondent's direct case; and

(v) rebuttal by the complainant;

(E) in regard to an order to show cause, the commission will hear

(i) the commission staff's direct case;

(ii) each intervenor's direct case in the order in which the petitions for intervention were filed with the commission;

(iii) the respondent's direct case; and

(iv) rebuttal by the commission's staff; and

(5) statements by participants, protestants, or any other interested members of the public will be scheduled at the discretion of the presiding officer at any convenient point during the hearing.

(Eff. 6/29/84, Register 90)

Authority: AS 42.05.141
AS 42.05.151
AS 42.06.141(a)

3 AAC 48.152. CONSOLIDATED HEARINGS. In hearings of several proceedings upon a consolidated record, the presiding officer shall designate who shall open or close. Intervenors shall follow the party named in the petition to intervene. If the intervenor is not an original party, the presiding officer shall decide the stage at which the intervenor will be heard. When two or more proceedings are heard at the same time and place, the proceeding having the lowest docket number must be heard first if all parties are ready. The presiding

officer may direct a different order to suit the convenience of the parties. (Eff. 6/29/84, Register 90)

Authority: AS 42.05.141
AS 42.05.151
AS 42.06.140(a)

3 AAC 48.153. PREFILED TESTIMONY. (a) The written testimony of a witness in question form, or in narrative form if allowed by the commission for good cause shown in advance of the prefiling deadline, will, if directed by the commission, be presented instead of the witness' oral testimony. After an exhibit containing the witness' testimony has been properly identified and authenticated by the witness, under oath, it may be marked and introduced as an exhibit. Written testimony must be as complete and accurate as if it were oral testimony, and it is subject to the same rules of evidence as if given orally. The witness shall be subject to cross-examination, and the presiding officer may require the testimony to be given orally. Written testimony may not be used unless it has either been filed and served on all parties the same as any other exhibit, or unless the parties have stipulated that it may be accepted by the commission at the hearing. A party who opposes the introduction of written testimony may make an oral or written protest, and the presiding officer, or the commission, will make an appropriate ruling on the matter. The commission will, in its discretion, require the presentation of written testimony instead of oral direct examination, if it considers that doing so would be conducive to a fair and expeditious disposition of the proceeding. A party objecting to such a requirement will be afforded an opportunity to be heard, and the commission will then ratify, revise, or rescind its action.

(b) Each page of prefiled testimony must be numbered at the bottom with consecutive Arabic numerals. Schedules, appendices, documents, or other attachments to prefiled testimony must be identified in the manner prescribed in 3 AAC 48.154(e). If any of these items contain more than one page, each page must be numbered at the bottom by consecutive Arabic numerals. (Eff. 6/29/84, Register 90)

Authority: AS 42.05.141
AS 42.05.151
AS 42.06.140(a)

3 AAC 48.154. EVIDENCE AND EXHIBITS. (a) All relevant evidence which, in the opinion of the presiding officer, is the best evidence reasonably obtainable, with due regard to its necessity, availability, and trustworthiness, is admissible. In passing upon the admissibility of evidence, the presiding officer may consider, but is not bound to follow, the rules of evidence governing general civil proceed-

ings, in matters not involving trial by jury, in the courts of the State of Alaska. When objection is made to the admissibility of evidence, the evidence may be received subject to later ruling by the commission. The presiding officer may, either with or without objection, exclude inadmissible evidence or order repetitive evidence discontinued. A party objecting to the introduction of evidence shall state the grounds for the objection at the time the evidence is offered but need not reaffirm the objection repeatedly after that. The presiding officer may, either orally or in writing, issue procedural orders and rulings pertaining to the conduct of a hearing. If in writing, an order or ruling must be in substantially the same format as a regular commission order in the same proceeding in regard to placement of the heading, the correct docket number, caption, etc., except that they shall be designated as "HEARING ORDER NO. 1, 2, 3," etc., in the space to the right of the caption. Every hearing order is a part of the evidentiary record of the proceeding.

(b) In addition to matters of which courts of the State of Alaska take judicial notice, the commission will take official notice of

(1) all rules, regulations, administrative rulings, and orders, exclusive of findings of fact, of the commission or another comparable federal or state regulatory body or agency;

(2) the contents of certificates of public convenience and necessity granted by the commission;

(3) the tariffs and special contracts regularly established by or filed with the commission as required or authorized by law;

(4) any annual or other report on file with the commission except those that are privileged; or

(5) the results of its own inspection of the physical conditions involved; however, the commission will state on the record a summary of its observations.

(c) An official rule, report, order, record, resolution, or other document prepared and issued by any governmental authority, when admissible for any purpose, may be evidenced by an official publication of it, by a publication of a nationally recognized reporting service considered by the presiding officer to constitute a sufficient guarantee of its trustworthiness, by a copy attested by the officer having legal custody of it, or by a person who can testify to its authenticity based on his or her firsthand knowledge. When an official record, otherwise admissible, is contained in official publications or publications by nationally recognized reporting services which are in general circulation and readily accessible to all parties, it may be introduced by specific reference by the party offering it. Papers and documents on file with the commission, if otherwise admissible, may be introduced by any method of identification satisfactory to the presiding officer. If only a portion of a paper or document is offered in evidence, the part offered must be clearly designated. Intra-office commission memo-

randa and reports, when designated as privileged by the commission, are not public records subject to inspection and will not be introduced in evidence. If a portion of the record in any other proceeding is admissible for any purpose, and if it is offered in evidence, a true copy of the portion must be presented for the record in the form of an exhibit unless

(1) the offering party agrees to supply copies later at the party's own expense, if and when required by the commission;

(2) the portion is specified with sufficient particularity to readily identify it;

(3) the parties represented at the hearing stipulate upon the record that the portion may be incorporated by reference, and that any portion of the same record offered by any other party may be incorporated by like reference; and

(4) the presiding officer directs that the portion be incorporated.

(d) Documentary evidence offered, whether in the form of an exhibit or introduced by reference, is subject to appropriate and timely objection. When specifically prepared exhibits of a documentary nature are offered in evidence, copies must be furnished by the parties, their attorneys, or authorized representatives to

(1) the other parties, their attorneys, or authorized representatives;

(2) the presiding officer;

(3) the reporter;

(4) each commissioner;

(5) each consultant or member of the commission staff for whom an official appearance is noted on the record; and

(6) anyone else designated by the presiding officer.

(e) Prefiled testimony will be identified by the letter "T" followed by sequential Arabic numerals in the order in which witnesses appear to testify, e.g., "T-1, T-2," etc. Schedules, appendices, and other documents attached to prefiled testimony will be identified by the witness' initials, followed by sequential Arabic numerals, e.g., "ABC-1." Any other exhibits referred to at a hearing will be marked with sequential Arabic numerals, without regard to the party introducing the exhibit. Unless otherwise prescribed by the commission by order, or by the presiding officer, the same series of testimony and exhibit numbers will continue for an entire proceeding even if a hearing is recessed, continued, or otherwise bifurcated. (Eff. 6/29/84, Register 90)

Authority: AS 42.05.141
AS 42.05.151
AS 42.06.140(a)

3 AAC 48.155. RIGHTS AND OBLIGATIONS OF PARTIES.

(a) Unless a party's rights are expressly limited by commission order,

or a party or the party's authorized representative waives any right or rights, each party to an adjudicative proceeding has the right to

- (1) make an opening statement;
- (2) present an affirmative or direct case;
- (3) cross-examine witnesses of other parties and public witnesses;
- (4) object to the introduction or exclusion of testimony or other evidence;
- (5) argue points of law;
- (6) make a closing statement;
- (7) submit timely briefs; and
- (8) exercise all other rights commonly and ordinarily accruing to parties in administrative adjudicative proceedings, including, but not limited to, the right of discovery.

(b) Unless otherwise ordered, directed, or excused by the commission, a party to a proceeding has the duty or obligation to

- (1) respond to discovery;
- (2) meet all filing deadlines prescribed by the commission in a timely manner;
- (3) attend and participate fully in hearings or pre-hearing conferences, or other proceedings at the time scheduled by the commission;
- (4) be prepared to go forward with the presentation of its affirmative or direct case or with the examination or cross-examination of witnesses in a timely, reasonable, and professional manner;
- (5) produce, in a timely manner, the documents, information or other data or materials required or requested by the commission;
- (6) share in proportion, and timely pay, any costs allocated by the commission under AS 42.05.221, AS 42.05.401(b), AS 42.05.651 or AS 42.06.610, and 3 AAC 48.157.

(c) Unless otherwise ordered, directed, or excused by the commission, failure to meet or comply with commission requirements established by statute, regulation, or order may result in the forfeiture of any or all of a party's rights. (Eff. 6/29/84, Register 90)

Authority: AS 42.05.141 AS 42.05.651
 AS 42.05.151 AS 42.06.140(a)
 AS 42.05.221 AS 42.06.610
 AS 42.05.401

3 AAC 48.156. HEARING RECORD. (a) A tape recording will be made of the record of each hearing regardless of whether all or part of the record is also made with the aid of shorthand or stenotype notes. The hearing record will be made by a member of the commission staff designated for the purpose, by a professional reporter, or, in exceptional cases and by direction of the commission, by someone who is not a professional reporter. Unless otherwise directed by the commission, a transcript of all recorded proceedings will be prepared. The original

typewritten transcript, along with the uneraser tape used to record the hearing, will be submitted to the commission. The transcript will be retained as the commission's permanent official record. Upon submission of the original transcript to the commission, the transcript becomes a public document subject to those statutes and regulations governing public access to and reproduction of public documents. Parties or individuals requesting copies or excerpts of a transcript before submission of the original transcript to the commission shall make arrangements with the reporter for this service. Transcripts will be numbered consecutively starting with page one in the first volume and ending with the last page in the last volume. If necessary to expedite the preparation of a daily transcript, it is permissible to skip page numbers between volumes but, in no event, may any volume after the first start with page one. References to the transcript in briefs, orders, etc., must be to the official transcript prepared by the court reporter and by the abbreviation, in parentheses, "Tr." followed by the page, or pages, of the transcript to which reference is made. Reference to volume numbers need not be made, but is not prohibited. The commission will, in its discretion, initially pay the entire cost for recording a hearing as well as the cost for production of the original transcript, but later will allocate all or part of the cost to the parties under AS 42.05.651 or AS 42.06.610.

(b) A tape used to record a hearing may not be released by the commission or the court reporter to any party for the preparation of an unofficial transcript. Excerpts from a tape recording of a hearing may be prepared only by the commission or the court reporter.

(c) Certified copies of a transcript may be obtained only from the court reporter or from the commission. (Eff. 6/29/84, Register 90)

Authority: AS 42.05.141	AS 42.06.140(a)
AS 42.05.151	AS 42.06.260
AS 42.05.651	AS 42.06.610

3 AAC 48.157. ALLOCATION OF COSTS. (a) After each hearing or investigation in which costs allocable under AS 42.05.221, AS 42.05.401(b), AS 42.05.651, or AS 42.06.610 have been incurred, the commission will enter a cost allocation order, with appropriate discussion and findings, which includes

- (1) a summary of all the allocable expenses incurred by the commission, whether paid or not;
- (2) the beginning and ending dates of the hearing or investigation;
- (3) the identification of each party that entered an appearance;
- (4) the amount allocated to each party and to the commission itself;

(5) if applicable, the identification of each party to whom no cost has been allocated, and the reason;

(6) if applicable, the reason the commission has decided, in its discretion, to assume all the costs.

(b) Except as provided in AS 42.05.401(b), the commission will, in its discretion, if it has the money, initially pay all the expenses incurred by it in connection with a hearing or investigation. If for budgetary reasons it does not have money to pay all the expenses initially, the commission will, in its discretion, postpone the hearing or investigation until it does have the money or make alternative arrangements with the parties to pay the expenses directly so that the hearing or investigation may continue. The allocable expenses of a proceeding include, but are not limited to

(1) the time fee of the reporter and the fee for preparation of any transcript;

(2) the fees and expenses of consultants employed by the commission;

(3) the fees, expenses, or salary of an administrative law judge or hearing officer employed or contracted by the commission;

(4) the fees, expenses, or salary of legal counsel employed or contracted by the commission;

(5) any charge incurred for a hearing room other than the commission's own hearing room;

(6) the per diem and transportation costs incurred by the commission;

(7) other documented out-of-pocket expenses such as telephone calls, mailing, and copying charges.

(c) The mere filing of a written or oral protest or statement of interest, or the voluntary offering of written or oral testimony at the request of the commission or of an acknowledged participant in a proceeding, is not participation of such magnitude or extent as to subject the person who made the filing or offered the testimony, to the assessment of an allocated share of the proceeding.

(d) If a party takes an active part in a hearing or investigation by way of cross-examination of witnesses or by requesting service of copies of pleadings, briefs, exhibits, etc., that party may be required to bear a just share of the special costs which the commission considers to be directly allocable under AS 42.05.221, AS 42.05.401(b), AS 42.05.651, or AS 42.06.610 to the party's participation in the hearing, investigation, or other proceedings.

(e) A person who successfully petitions for intervention in a proceeding, or by any other means leads the commission or the other parties to believe he or she will be an active party in the proceeding, will be considered an active party up to the time the party signifies in writing to the commission, with service on the other parties, an inten-

tion to withdraw from active participation in the proceeding. (Eff. 6/29/84, Register 90)

Authority: AS 42.05.111 AS 42.05.401
 AS 42.05.141 AS 42.05.651
 AS 42.05.151 AS 42.06.140(a)
 AS 42.05.221 AS 42.06.610

3 AAC 48.159. STANDARDS OF CONDUCT — HEARING DECORUM. (a) Hearings before the commission must be conducted with fitting dignity and decorum. Conduct amounting to contempt at a public hearing is grounds for exclusion from the hearing and for summary suspension for the contemptuous person, without a hearing, for the duration of the hearing.

(b) Except as ordered otherwise by the commission, there shall be free access for the news media to all public hearings as long as the media exercise discretion and good judgment in their conduct.

(c) Smoking is not permitted at a formal hearing or prehearing conference while it is in session but will, in the commission's discretion, be permitted during recesses outside the hearing room. (Eff. 6/29/84, Reg. 90)

Authority: AS 42.05.141
 AS 42.05.151
 AS 42.06.140(a)

3 AAC 48.160. BRIEFS. (a) The commission or the presiding officer will fix the time for the filing and service of briefs with due regard to the immediacy of the decision size of the record, and the nature, complexity, and importance of the proceeding or of the issues involved. The commission or the presiding officer will, in their discretion, decide the order in which briefs will be filed and any limitation on the number of pages that may be contained in a brief.

(b) Except as otherwise provided in this section, briefs must be submitted in compliance with the provisions of 3 AAC 48.090 — 3 AAC 48.100, including requirements dealing with heading, caption, size of paper, typing, margins, number of copies, and proof of service.

(c) The commission or the presiding officer will, in their discretion, require the parties and their counsel or other authorized representatives to present their arguments and authorities orally at the close of the hearing instead of by written brief.

(d) Requests for extension of time in which to file briefs shall be in writing and be served upon all parties of record, or upon their attorneys or authorized representatives, and be submitted to the commission at least five days before the date fixed for filing the briefs.

(e) Every brief shall contain

(1) a table of contents and subject index with page references;

(2) a list of all cases and authorities cited, arranged alphabetically, with page references;

(3) a concise statement of

(A) the nature and history of the proceeding;

(B) the questions to which the brief is directed;

(C) the facts relied upon with references to the testimony and exhibits cited;

(4) the argument under as many appropriate headings as there are major points argued.

(f) If a brief is addressed to a question of law, it shall, in addition to complying with (e) of this section, contain a discussion of the points of law presented with citations of authorities and a conclusion containing a brief summary and prayer.

(g) Lengthy quotations from the record or from authorities should not be included in the body of a brief, but may be included in an attached appendix designated as "Appendix 'A,' 'B,' 'C,'" etc., with an appropriate title.

(h) Exhibits may be analyzed, but should not be reproduced in the body of a brief; however, if desired, they may be reproduced and attached as an appendix to a brief. (Eff. 1/13/73, Register 44; am 6/29/84, Register 90)

Authority: AS 42.05.141
AS 42.05.151
AS 42.06.140(a)

3 AAC 48.165. HEARINGS ASSIGNED TO ADMINISTRATIVE LAW JUDGE OR HEARING OFFICER. (a) The commission will, in its discretion, assign a proceeding under AS 42.06 to an administrative law judge or hearing officer, or a proceeding under AS 42.05 to a hearing officer, for hearing and proposed decision. The assignment will be made by order.

(b) Unless specifically ordered otherwise by the commission, in an assigned proceeding an administrative law judge or hearing officer will have all powers which the commission possesses, including ruling on discovery and other prehearing matters, holding prehearing conferences in accordance with 3 AAC 48.140, conducting hearings in accordance with 3 AAC 48.150(c) and 3 AAC 48.151, and ordering briefing in accordance with 3 AAC 48.160.

(c) The administrative law judge or hearing officer will render a proposed decision in writing unless the commission orders that the entire record be certified to it for a decision.

(d) A party has 30 days after issuance to comment on a proposed decision. A party disagreeing with the proposed decision shall list the findings or conclusions to which the party takes exception, the reasons why the party takes exception, and the portions of the record by title

and page number which the party believes the commission must review in order to evaluate the party's comments.

(e) The commission will consider the proposed decision of the administrative law judge or hearing officer and any comments received on the proposed decision and will issue an order accepting, modifying, or rejecting the proposed decision.

(f) An administrative law judge or hearing officer, at the request of a party or on the judge's or hearing officer's own motion, may certify a question to the commission for decision at any time during a proceeding when it appears to the judge or hearing officer that a novel or unsettled issue of law or policy is involved in the question or that a decision by the commission during the proceeding will simplify or shorten the proceeding. A copy of the certification will be served on all parties. The administrative law judge or hearing officer will set a schedule for briefing the question to the commission, giving consideration to the elements contained in 3 AAC 48.160. The commission will, in its discretion, decide the question or decline to consider it. If the commission does not act within 30 days after the filing of the last brief on the question, unless that time is extended by the commission, the question will be considered to have been declined. (Eff. 6/29/84, Register 90)

Authority: AS 42.05.121
AS 42.05.141

AS 42.05.151
AS 42.06.140

3 AAC 48.168. CONCURRENT HEARINGS. (a) In hearings held concurrently with another governmental agency the commission, through its presiding officer designated to preside at the concurrent hearings, will, in its discretion, allow variance from the procedures set out in 3 AAC 48.151 -- 3 AAC 48.160 to facilitate the conduct of the concurrent hearings. The presiding officer will state on the record of the hearing the variances allowed, the citation to the regulations being varied, and the reason for allowing the variance.

(b) To facilitate the conduct of concurrent hearings, the commission may vary any provision of 3 AAC 48 by order stating the reason for the variance. (Eff. 6/29/84, Register 90)

Authority: AS 42.05.121
AS 42.05.141

AS 42.05.151
AS 42.06.140(a)

3 AAC 48.170. ETHICAL STANDARDS, VIOLATIONS. (a) Any person transacting business with the commission shall maintain at all times the respect due the commission, its presiding officers, legal counsel and its staff and shall never knowingly, by artifice, misstatement or silence, lead or allow them to believe in a false factual or legal proposition relevant to the discharge of their responsibilities. Members of the legal, accounting, financial and engineering pro-

fessions shall also comply with the ethical standards of their respective professions.

(b) Depending upon the gravity of the violation and the source of responsibility for it, a violation of ethical standards may result in

(1) preclusion from further participation of the party or the party's authorized representative in the proceeding in which the infraction occurs or in any other proceeding before the commission;

(2) referral of the violation to the appropriate professional body or public authority for disciplinary action;

(3) a finding of unfitness of an applicant or utility or pipeline carrier with consequent revocation, suspension, or denial of operating authority; or

(4) the imposition of any sanction appropriate to the offense and consistent with law. (Eff. 1/13/73, Register 44; am 6/29/84, Register 90)

Authority: AS 42.05.141
AS 42.05.151
AS 42.06.140(a)

Article 2. Utility and Pipeline Tariffs

Section

200. Scope of regulations
210. (Repealed)
220. Filing of tariff
230. Billing and contract forms
240. Delivery of tariff
250. Tariff on file for public inspection
260. Public notice of utility tariff inspection privilege
270. Advice letters
275. Supporting information
277. Uniform system of accounts
280. Notice and effective date
290. Response to notice
300. Waiver of statutory notice
310. Suspension and rejection of tariff filings

Section

320. Effective tariff controlling
330. Format of tariff sheets
340. Tariff sheet designation
350. Separate tariff for each utility
360. General arrangement and content of tariff
370. Content of rules and regulations
380. Content of rate schedules
390. Provisions of special contract
400. Adoption notice
410. Tariff of acquired utility or pipeline carrier
420. Uniform deposit practices
430. Jurisdictional separations

3 AAC 48.200. SCOPE OF REGULATIONS. The regulations contained in 3 AAC 48.200 — 3 AAC 48.430 cover the construction, preparation, content, filing, posting, and publication of utility and pipeline tariffs, including special contracts. (Eff. 11/16/73, Register 48; am 6/29/84, Register 90)

Authority: AS 42.05.141 AS 42.06.350
AS 42.05.151 AS 42.06.390
AS 42.06.140(a)

3 AAC 48.210. WAIVERS. Repealed 6/29/84.

3 AAC 48.220. FILING OF TARIFF. (a) An original and six copies of each utility tariff filing must be on file with the commission at least 45 days before the tariff may take effect unless the commission, by order, authorizes the filing to take effect in less than 45 days after the date of filing. An original and six copies of each initial pipeline tariff filing shall be on file with the commission at least 90 days before it may become effective unless the commission, by order, authorizes the filing to become effective in less than 90 days from the date of delivery. An original and six copies of each revised pipeline tariff filing must be on file with the commission at least 30 days before the tariff may take effect unless the commission, by order, authorizes the filing to take effect in less than 30 days after the date of filing. Each filing must be transmitted to the commission by means of consecutively numbered letters designated as "Tariff Advice Letter No. 1, 2, 3, etc." Every advice letter must contain the applicable information set out in 3 AAC 48.270. If a utility or pipeline carrier desires an effective date before the end of the statutory notice period for a filing, the utility or pipeline carrier shall request an earlier effective date and set out the reasons in the tariff advice letter. The utility or pipeline carrier shall attach rate studies or supply other information pertinent to the filing. If interim approval of a tariff filing is sought, that request must also be set out in the tariff advice letter.

(b) The commission will retain the original and one copy of every contract or other tariff filing, and will return one copy to the utility or the pipeline carrier after the effective date of the filing and the date of receipt by the commission have been stamped on it.

(c) Special contracts are treated as tariff filings. A utility service, commodity, or facility furnished to a customer under an unwritten contract or arrangement must be discontinued unless the parties to it execute a written contract and file it with the commission. This subsection does not apply to merchandising of equipment and appliances, parts replacement and repair work on customer-owned equipment, utility construction or materials purchase contracts, easements, applications for membership in cooperative associations, and service agreements which merely recite the provisions of a utility's filed tariff.

(d) A newly formed utility or pipeline carrier, or a utility or pipeline carrier brought under the commission's jurisdiction by operation of law, shall file its complete tariff with the commission as part of its application for a certificate of public convenience and necessity. A utility filing an application for extension of its service area, or a pipeline carrier filing an application for extension of its pipeline facility or route, shall include as part of its application any tariff revisions which may be required and a statement justifying the applicability of its existing tariff in the new service area or pipeline facility or route. These filings are subject to modification, and take effect on the date